

Application No. 10/040,778  
Amendment dated March 3, 2004  
Reply to Office Action of December 5, 2003

### REMARKS

Applicants thank the Examiner for providing a telephonic interview of the application on March 3, 2004. The remarks below substantially reflect the subject matter discussed in the interview. Applicants request reconsideration of the application.

Claims 16-30 are pending.

Applicants have also updated the application's claim of priority. Thus, no new matter has been added.

### 35 U.S.C. § 103

Claims 16-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Costemalle *et al.* (U.S. Patent No. 5,376,438) (herein "Costemalle") and further in view of Gursky *et al.* (U.S. Patent No. 5,532,312) (herein "Gursky") for the reasons stated on pages 2-5 of the Action. For the reasons that follow, Applicants respectfully disagree.

Costemalle and Gursky provide general teachings regarding the component amounts for copolymers of isoolefins, para-alkylstyrene, and bromoalkylstyrene. Applicants claim, *inter alia*, copolymers having a narrow range of the para-alkylstyrene and the bromoalkylstyrene with a specific relationship of these components. Furthermore, Applicants show that within this claimed range crack propagation resistance and ozone resistance is desirable over the art of record. Moreover, none of the examples of Costemalle and Gursky fall within Applicants' claimed range. (See McElrath Affidavit, dated September 5, 2001 (available in the parent application, Serial No. 09/071,105, now U.S. Patent No. 6,374,889)). Therefore, Applicants submit that neither Costemalle nor Gursky could have appreciated Applicants' showing of crack propagation resistance and ozone resistance as it relates to the copolymer's claimed range. As such, Applicants respectfully submit that the claims 16-30 would not be obvious over Costemalle and in further view of Gursky.

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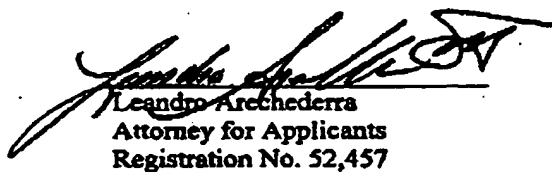
### NON-STATUTORY DOUBLE PATENTING

Pursuant to the telephonic interview referenced above, Applicants provide herewith a terminal disclaimer over the parent application, Serial No. 09/071,105, now U.S. Patent No. 6,374,889.

Applicants invite the Examiner to telephone the undersigned attorney, if there are any issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

March 3, 2004  
Date

  
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